JOINT LEGISLATIVE COMMISSION

ON MUNICIPAL INCORPORATIONS

REPORT TO THE

GENERAL ASSEMBLY

OF NORTH CAROLINA

Proposed Town of Mills River

May 15, 2003

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CIRCULATION

REPORT TO THE GENERAL ASSEMBLY

Proposed Incorporation of the Town of Mills River
May 15, 2003

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The statutory criteria require a review of community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

The Commission received a petition proposing the incorporation of the Town of Mills River in Henderson County on October 31, 2002. A copy of the petition is attached as Appendix C.

The Commission, pursuant to G.S. 120-161, asked the Division of Community Assistance of the Department of Commerce to evaluate the petition. The Division conducted the evaluation and, based upon its report, the Commission found that the requirements of G.S. 120-163 and G.S. 120-164 had been met (a copy of the report is attached as Appendix D).

The Commission also requested that the Division of Community Assistance evaluate the proposed Town's petition for incorporation under G.S. 120-166 (a copy of the report is attached as Appendix E). The Division conducted the evaluation and determined that because of its population and proximity to the proposed Town the City of Asheville must expressly approve the incorporation of Mills River. The City of Asheville subsequently adopted a resolution to that effect on February 25, 2003 (Appendix F).

The Commission further requested that the Division of Community Assistance evaluate the proposed Town's petition under G.S. 120-167 through G.S. 120-170 (a copy of the report is attached as Appendix G). The Division conducted the evaluation and determined that all statutory requirements had been met, except G.S. 120-168 (development).

Pursuant to G.S. 120-169.1, the Commission requested that the Fiscal Research Department provide data that shows the impact on other municipalities and counties of the diversion of already levied taxes or State-shared revenues to support services in the proposed Town of Mills River. The fiscal impact report was not available at the time the Commission made its recommendation to the full General Assembly. Therefore, the Commission authorized staff to include the report in this Report to the General Assembly at a later date (The report will be Appendix H).

The Commission finds that the proposed Town of Mills River does not meet the standards required by Article 20 of Chapter 160A of the General Statutes, specifically G.S. 120-168, and therefore the Commission does not recommend incorporation of the area as the Town of Mills River.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS
2001-2002-
Membership

President Pro Tem's Appointments

Senator Fletcher Hartsell
P. O. Box 368
Concord, NC 28026-0368

Senator Vernon Malone
2124 Lyndhurst Dr.
Raleigh, NC 27610

Mr. Steven Raper
P. O. Box 1180
Rocky Mount, NC 27802-1180

Speaker's Appointments

Representative Mary L. Jarrell
1010 Wickliff Avenue
High Point, NC 27262

Representative John W. Hurley
P. O. Box 714
Fayetteville, NC 28303

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, NC 27536

Staff

Gerry Cohen, Director
Bill Drafting Division

Gayle L. Moses, Staff Attorney
Bill Drafting Division

Legislative Assistant

Dot Waugaman
2125 Legislative Building

APPENDIX B

Article 20.

Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

(1) Two Senators appointed by the President Pro Tempore of the Senate;

(2) Two House members appointed by the Speaker;

(3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and

(4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

§ 120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

§ 120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

Part 2. Procedure for Incorporation Review.

§ 120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered

voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar ($100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer four of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§ 120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

(1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;

(2) All cities within that county or counties; and

(3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

§ 120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget, Planning, and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

(1) The proposed municipality is entirely on an island that the nearby city is not on;

(2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

(3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or

(4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

§ 120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile.

§ 120-168. Additional criteria; development.

The Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

§ 120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.

(a) Repealed by Session Laws 1999-458, s. 4.

(b) Services. – The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The Commission in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality.

§ 120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

§ 120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

§ 120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

§ 120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

§ 120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

OUR HOME
TODAY & TOMORROW

In January 2002, a group of concerned Mills River residents started discussing the future of our beautiful and historic community. The Mills River community is bounded by the Pisgah National Forest and Transylvania and Buncombe counties. Many of us have watched our peaceful, serene community go from curvy, narrow gravel roads, to a 5-lane highway and a community with very few unpaved roads left. We are the gateway from the Asheville Regional airport to resort communities located in Etowah, Brevard, Highlands and Cashiers.

Our community - where we once knew who lived where, whose kids were whose and the driver behind the wheel of every car or pickup truck is a thing of the past. Today our community is one of the fastest growing areas in Henderson County. We are a diverse group of people – natives, retirees, young and old. Farmland has been turned into subdivisions and commercial centers have replaced Davenport's store and Dr. Norton's office that, for many of us, were the heart and hub of Mills River.

Mills River is among the oldest communities in Henderson County with its first landholder being given a deed from the State of North Carolina in 1787. Mills River is considered the seat of public education in Henderson County, has some of the oldest churches – many which are historically recognized and has and continues to be a thriving agricultural community, often called the "fertile crescent". Generations of families have protected and preserved the forests, the water and the land. We have played in, learned to swim and been baptized in the Mills River.

The Mills River community respects tradition and history. Many families living here today are direct descendants of the early settlers of the Mills River area and Henderson County. Many continue to live on and tend the land that has been in their family line since the mid to late 1700s. The people of Mills River love God and Country. Churches started during the earliest settlement days continue to exist and new churches have made Mills River their home. Jesse Rickman, William Mills and other early settlers fought in the Revolutionary war and our young men and women today are proud to enlist and serve their country in all branches of the military.

Through the years, we, the residents of the Mills River community have had little input into how our community grew and developed. The committee is made up of a cross-section of Mills River residents who began exploring avenues that would allow us to have a voice in our future. We want our children and grandchildren to be as blessed as we have been to know the joy that can be found in a beautiful spring day, a muggy summer afternoon, crisp fall day or serene winter snowfall.

We are no longer just a rural farming community. We are a community of some 9,000 persons who choose to live here. It is our desire to maintain the balance of our community, to protect our natural, historical and cultural resources and guide the growth of this most precious community. Thus, the road to studying incorporation and becoming a town has been headed down.

Incorporation Public Meetings

January 17, 2002	Mills River Community Building	General Public
February 23, 2002	Mills River Community Building	General Public
April 30, 2002	Mountain Horticultural Research Station	General Public
May 8, 2002	High Vista Community	Homeowners
May 14, 2002	Happy Valley Homemakers Club	Boylston Baptist Church
May 23, 2002	Boylston Baptist Church	General Public
May 28, 2002	Mountain Horticultural Research Station	General Public
May 29, 2002	Mills River Restaurant	Area Farmers
July 18, 2002	Emmanuel Baptist Church	General Public
July 23, 2002	Etowah Lions Club	Etowah Lions Den
October 25, 2002	Mountain Horticultural Research Station	General Public
(no date selected)	Upper North and South Mills River Community Club	General Public

Petition Drives

August 8, 2002	Petition Volunteer Training Session	Mills River Community Bld.
August 10, 2002	Petition Kick-Off	Mills River Food Lion
August 24, 2002	Petition Signing	Mills River Food Lion
September 14, 2002	Petition Signing	Mills River Food Lion

Note

The above schedule only lists the scheduled public meetings. This meeting schedule does not include any Committee meetings, meetings with other governmental leaders or other agencies.

Statement of Estimated Population and Population Density

Information obtained from the Henderson County Planning Department estimates 2729 single-family dwellings and 21 multi family condominiums within the proposed boundaries of the Town of Mills River. The Henderson County Planning Department estimates the Town of Mills River will have an:

Estimated Population of 6890.04 Persons

The exact area within the boundaries of the proposed town has not yet been determined; however, it is also the estimate of the Henderson County Planning Department that the town will have an area of 21.5 square miles. The density therefore is estimated to be:

320.47 Persons per Square Mile

Note:

The Estimated Population figure was based on the last US Federal Census - 2000. Also with this figure, it was determined that Henderson County had an average of 2.33 persons per household

DEGREE OF DEVELOPMENT

Based on information obtained from the Henderson County Planning Department, it was determined the total area of the proposed town included 21.5 square miles or 13,775.05 acres. Those 13,775.05 acres and some of the businesses involved could be broken down into the following categories:

Land Use Summary	Acres
Agriculture, Forestry, Horticulture	4,616.00
Camps	15.37
Commercial	156.19
Community Facilities	154.38
Industrial	301.40
Recreation	13.30
Residential	2,750.12
Undeveloped	5,120.05
Unassigned	648.24
Subtotal	13,775.05
Government Facilities	
Asheville Water	333.83
Hendersonville Water	8.96
Henderson County EMS	2.83
Mills River Elementary School	13.84
Glen Marlow Elementary School	24.39
Mills River Fire & Rescue	4.31
North Carolina DOT & Forest Service	4.26
North Carolina Research Station	241.62
Subtotal	634.04
Religious Institutions	
Subtotal	96.98

The map in Section 7 clearly illustrates the residential developments listed below. In addition, there are numerous commercial establishments and churches throughout the community. The following is a list of most, but not all, of the establishments in the proposed Town of Mills River.

Commercial Establishments

Air Chek, Inc
Baker Grading and Construction
Bank's Insurance
Blossman's Propane and Bulk Storage
Brevard Electric
Carolina Paving and Sealing
Citgo-Energy Mart
Cooper House
D J Welding
Elaine's Beauty Nook
Exxon-Fast Trac
Fieldco Machining
First Citizens Bank
Food Lion
Forge Valley Mill Store
G & B Energy and Bulk Storage
G & M Self Storage
Gale Insulation
Golf Shop
Haywood Johnson Construction
Highland Tool
Hyder's BP and Kountry Kubbard
Le Bleu Water
Line of Fire Paintfields
Mary Anne's Ceramics
Mills River Barber Shop
Mills River Community Center
Mills River Gas House
Mills River Hairstyling and Tanning
Mills River Hardware
Mills River Restaurant
Mills River Stor-All
Mills River Video
Moore and Son Excavating
Parris, Wayne, CPA
Portable Welding
Precision Plastic Molding
Prince Manufacturing
PSNC Energy
Raflatac, Inc
Rite Way Express
Southern Concrete Materials Plant
Special Graphics
Technical Design Associates
Texaco Triangle Stop
Timber-Peg South
Valley Sawmill
Welding Unlimited
Woodpecker Sawmill

Medical Facilities

CVS Pharmacy
Mills River Animal Clinic
Mills River Family Chiropractic
Mills River Family Health Center
Mills River Physical Therapy
MTI, Inc
Park Ridge Medical Associates
Stanley, Phillip, DDS

Residential Developments

Belle Vernon
Branford Farms
Country Acres
Cross Creek
Echo Valley Acres
Forge Crest
Forge Place
Fox Place
Glens of Aberdeen
Greenwood Acres
High Vista
High Vista Falls
Knoll Ridge
Laurelwood
Maple Hill
Meadowview
Mill Ridge
Mills Pointe
Mills River Village
Piney Meadows
Regal Knolls
River Oaks
Stone Creek
Valley View
Web Place
Wedgewood
Windsong Hills
Woodscape

Religious Organizations

All Saints Anglican Church
Bethel Baptist Church
Blue Ridge Christian Center
Boylston Baptist Church
Emmanuel Baptist Church
Episcopal Church of the Holy Family
Faith Bible Church
Fanning Chapel Methodist Church
Forge Valley Baptist Church
Grace Community Church
Kingdom Hall of Jehovah's Witnesses
Mills River Methodist Church
Mills River Presbyterian Church
Mills River Seventh Day Adventist Church
Mount Gilead Baptist Church
New Beginnings Church
Unity Center

Governmental Facilities

Glen Marlow Elementary School
Hendersonville Water Treatment Plant
Henderson County E M S Station 2
Mills River Elementary School
Mills River Fire Department
NC Department of Transportation
NC Forest Service
NC Mountain Horticultural Research St.

Agriculture

Bradley Farms
Brittain Farms
Carland's Dairy
Carland Farms
Carland Milk Trucks
Carland Tractor and Equipment
Fullam Farms
GT Little Farmer's Market
Johnson's Packing House
Maple Glade Farms
Max and Tony Carland Farms
McKinney's Small Fruits
Mills River Garden Center
Moore Brothers Farm
Moore Brothers Farm Supply
North River Farms
Phillip Brittain Dairy
Plants Direct
Roper Farms
Small Acres Dairy
Valley Agri-Supply
VanWingerden Greenhouse Company
VanWingerden International

Automotive

Dickerson Wholesale Starters
Land Rover
Mills River Quick Lube
NAPA Automotive
Naples Transportation
Scott's Garage
Shade Tree Garage
Smith Family Tire Center
Waycaster Tire and Automotive

Recreational Facilities

Camp Highlander
High Vista Golf Course
Mountain Laurel Campground
Pro Am Range & Golf Shop

Real Estate

Bet-Mac Reality
High Vista Real Estate Company
River Valley Reality
The Real Estate Professionals
Tri-County Reality

MILLS RIVER

P. O. Box 333
Horse Shoe, NC 287
www.millsriver.org

Balance Sheet

October 22, 2002

INCOME	
Public donations	1,505.00
Anonymous donations	2,228.00
Fundraising deposits	2,331.00
Total	$6,064.00
EXPENSE	
Office Supplies/Copies	244.65
Printing	404.14
Fundraising Items/Setups	2,506.75
Bank Fees	46.00
Legal Notices	612.00
Total	$3,813.54
Funds Available	$2,250.46

Sue Powell
Secretary/Treasurer

TOWN OF MILLS RIVER

PROPOSED BUDGET — FISCAL YEAR 07/01/03-6/30/2004

Income	AMOUNT	
PROPERTY TAX (REAL ESTATE) 1%	$36,427	3.0%
PROPERTY TAX (MOTOR VEH) 1%	$3,902	0.3%
PROPERTY TAX (REAL ESTATE) 6.5% -MP F&R	$236,780	19.6%
PROPERTY TAX (MTR VEH) 6.5% - MP F&P	$25,370	2.1%
SALES TAX (PER CAPITA)	$906,325	75.0%
TOTAL INCOME	**$1,208,804**	**100.0%**

NECESSARY EXPENSES	AMOUNT	
SALARIES, BENEFITS, TAXES	$139,820.00	11.6%
NEGOTIATED CONTRACTS	$38,200.00	3.2%
MILLS RIVER FIRE & RESCUE	$262,150.00	21.7%
HENDERSON COUNTY SHERIFF'S DEPT	$180,000.00	14.9%
START UP/OPERATING COSTS	$146,988.00	12.2%
STATE RECOMMENDED RESERVE FUND	$148,000.00	12.2%
TOWN CAPITAL RESERVE FUND	$145,000.00	12.0%
TOWN CONTINGENCY FUND	$148,646.00	12.3%
TOTAL EXPENSES	$1,208,804.00	100.0%
Difference between income and expenses		**$0**

REVISED AUGUST 1, 2002
Projected Sales Tax and Property Tax Revenues obtained from Henderson County
Property Tax assumes 94% collection Rate
Sales Tax assumes Per Capita distribution

TOWN OF MILLS RIVER

PROPOSED BUDGET — FISCAL YEAR 07/01/04-6/30/2005

Income	AMOUNT	
PROPERTY TAX (REAL ESTATE) 1%	$40,070	2.3%
PROPERTY TAX (MOTOR VEH) 1%	$3,902	0.2%
PROPERTY TAX (REAL ESTATE) 6.5% -MP F&R	$260,458	15.2%
PROPERTY TAX (MTR VEH) 6.5% - MP F&R	$25,370	1.5%
SALES TAX (PER CAPITA)	$1,381,434	80.7%
TOTAL INCOME	**$1,711,234**	**100.0%**

NECESSARY EXPENSES	AMOUNT	
SALARIES, BENEFITS, TAXES	$141,218.00	8.3%
NEGOTIATED CONTRACTS	$38,200.00	2.2%
MILLS RIVER FIRE & RESCUE	$285,828.00	16.7%
HENDERSON COUNTY SHERIFF'S DEPT	$180,000.00	10.5%
STREET LIGHTING	$27,000.00	1.6%
OPERATING COSTS	$149,950.00	8.8%
STATE RECOMMENDED RESERVE FUND	$279,000.00	16.3%
TOWN CAPITAL RESERVE FUND	$331,038.00	19.3%
TOWN CONTINGENCY FUND	$279,000.00	16.3%
TOTAL EXPENSES	$1,711,234.00	100.0%
Difference between income and expenses		**$0**

PREPARED OCTOBER 2002
Projected Sales Tax and Property Tax Revenues obtained from Henderson County
Property Tax assumes 94% collection Rate
Sales Tax assumes Per Capito distribution
Street Lighting to be undertaken and costs assumed for 6 months of lighting
Estimated costs for street lighting obtained from Duke Power

TOWN OF MILLS RIVER

PROPOSED BUDGET — FISCAL YEAR 07/01/05-6/30/2006

Income	AMOUNT	
PROPERTY TAX (REAL ESTATE) 1%	$40,070	2.3%
PROPERTY TAX (MOTOR VEH) 1%	$3,902	0.2%
PROPERTY TAX (REAL ESTATE) 0.5% -MR F&R	$260,458	14.9%
PROPERTY TAX (MTR VEH) 0.5% - MR F&R	$25,370	1.4%
SALES TAX (PER CAPITA)	$1,422,877	81.2%
TOTAL INCOME	**$1,752,677**	**100.0%**

NECESSARY EXPENSES	AMOUNT	
SALARIES, BENEFITS, TAXES	$200,000.00	11.4%
NEGOTIATED CONTRACTS	$38,200.00	2.2%
MILLS RIVER FIRE & RESCUE	$285,828.00	16.3%
HENDERSON COUNTY SHERIFF'S DEPT	$190,000.00	10.8%
STREET LIGHTING	$40,000.00	2.3%
OPERATING COSTS	$160,000.00	9.1%
STATE RECOMMENDED RESERVE FUND	$265,000.00	15.1%
TOWN CAPITAL RESERVE FUND	$308,649.00	17.6%
TOWN CONTINGENCY FUND	$265,000.00	15.1%
TOTAL EXPENSES	$1,752,677.00	100.0%
Difference between income and expenses		**$0**

PREPARED OCTOBER 2002
Projected Sales Tax and Property Tax Revenues obtained from Henderson County
Property Tax assumes 94% collection Rate
Sales Tax assumes Per Capita distribution
Street Lighting operation costs for 12 months based on preliminary numbers from Duke Power
Personnel costs assume salary for possible Town Planner

MILLS RIVER

P. O. Box 333
Horse Shoe, NC 287
www.millsriver.org

January 16, 2003

BUDGET NOTES AND CLARIFICATIONS

1) The **total** property tax rate for the Town of Mills River shall be **7.5%**
2) **6.5%** of the collected revenues shall be dispersed to Mills River Fire and Rescue
3) **1%** of the collected revenues shall be placed in the General Fund of the Town
4) Property taxes shall be billed by Henderson County for a fee .
5) Real property taxes shall be collected by the Mills River Town Clerk
6) Vehicle taxes shall be collected by Henderson County for a fee (1.5%)

Property tax values used within the proposed budgets assume a 94% collection rate, with the current values having been obtained from Henderson County.

Revaluation took place during 2002 and new property values will be assessed beginning with the 2003-2004 budget year in Henderson County. These values will be available in late February or early March.

Agricultural property and forest acreage will be assessed and taxed based on usage rather than soil type under the new valuations. These values will be available in late February or early March.

Sales tax collections assume a per capita distribution with dollar amounts being obtained from Henderson County.

The Mills River Incorporation Committee has submitted the budget proposals based on the information available to us at the time of publication. The committee has worked with the Henderson County Finance Department, County Manager and Tax Collector in an effort to submit the most current and accurate data available with this application.

January, 2003

Henderson County Tax Analysis

Sales Tax

	Population	Percent	(w/o Mills River) Sales Tax Total	(w/ Mills River) Sales Tax (-5.8%) Total
Henderson County	91,544	81.84%	$15,572,839	-904,841
Hendersonville	11,256	10.06%	1,914,794	-111,257
Fletcher	4,339	3.88%	738,121	-42,888
Flat Rock	2,653	2.37%	451,310	-26,223
Laurel Park	2,061	1.84%	350,603	-20,371
Mills River				1,105,580
Total	109,082	100.00%	23,220,507	

Ad Valorem

	Tax Levy	Percent	(w/o Mills River) Ad Valorem Total	(w/ Mills River) Ad Valorem (-1.14%) Total
Henderson County	42,425,101	87.17%	16,587,071	-189,799
Hendersonville	4,305,553	8.85%	1,683,355	-19,262
Fletcher	1,228,223	2.52%	480,202	-5,495
Flat Rock	0	0	0	0
Laurel Park	708,587	1.46%	277,038	-3,170
Mills River	563,329	1.14		217,726
Total	49,230,763	100.00%	19,027,667	

Draft

HENDERSON COUNTY SHERIFF'S OFFICE

GEORGE H. ERWIN, JR.
SHERIFF

COMMUNICATIONS - 828/697-4911
PATROL DIVISION - 828/697-4946
CIVIL & COURTS - 828/697-4940
CRIMINAL INVESTIGATIONS - 828/697-4930
DETENTION - 828/697-4955
FAX - 828/697-4759

The Badge Means WE CARE.

October 28, 2002

RE: LETTER OF INTENT TO PROVIDE LAW ENFORCEMENT SERVICES

Mills River Incorporation Committee
56 Greenwood Acres
Horseshoe, North Carolina 28742

To Whom It May Concern:

It is the intent of the Henderson County Sheriff's Office, upon the incorporation of the Town of Mills River, and approval of the Henderson County Board of Commissioners, to provide additional law enforcement services within the incorporated limits of the Town of Mills River.

This letter of intent is founded on the premise that the Town of Mills River will provide, by contract with Henderson County, the necessary funds for salaries, benefits, training, equipment, vehicles and fuel for four additional deputies. With the addition of four deputies, the Henderson County Sheriff's Office will provide continuous dedicated law enforcement services to the Town of Mills River for the term of the contract. The dedicated services provided will include uniformed patrol, response to calls for law enforcement services within the Town of Mills River, assisting other agencies, crime prevention services, and other law enforcement duties as required.

The deputies assigned to the Town of Mills River will remain under the control and supervision of the Sheriff of Henderson County.

Sincerely,

George H. Erwin, Jr., Sheriff

Cc: David Nicholson, County Manager

MILLS RIVER VOLUNTEER FIRE & RESCUE
121 Schoolhouse Road
Horse Shoe, North Carolina 28742
(828) 891-7959

Chairman
Mills River Incorporation Committee
PO Box 333
Horse Shoe, North Carolina 28742

October 21, 2002

Re: Proposed "Town of Mills River"

Dear Sir

It is the "Intent" of the Mills River Fire and Rescue Department to contract with the Town of Mills River to provide Fire Protection and Rescue Services to the residents of the Town.

These was affirmed by a vote of the members and approved by the Board of Directors.

If you need further, feel free to call upon us.

Howard B. Norton

Howard B. Norton, President
Board of Directors

Thomas W Souther

Thomas W. Souther, Secretary
Board of Directors

SOLID WASTE DISPOSAL

The town council will let bids with interested waste hauling companies. The company proposing the service which most meets the needs of the town at the most cost efficient rates will be awarded a contract by the town. Residents living within the town limits shall be allowed to choose if they will receive this service. Residents who desire this service will be billed by the company on a user-fee basis. Residents living within the town limits who do not choose this service will incur no costs, but may not contract with any other solid waste disposal company.

Duke Power
Sales & Service
349 East Main Street
Spartanburg, SC 29302

Roger, I have finished my calculations on both these roadways.

Sections 1 & 2 both on Boylston Hwy # 280 from Old Turnpike passing through 191 and ending Jeffress Rd., a length of 2.1 Miles.

Using the navigator software and the DOT requirements, this plots out to 132 Poles & Fixtures, on each side of the roadway and staggered. 132, 400 Watt High Pressure Sodium fixtures on the Inside PL rate, for this area will cost you $1498.20 per Month.

Section 3 Hwy 191 (Haywood Rd.) Starting at intersection of Boylyston Hwy, and ending at Banner Farm Rd. .2 Miles

Using the same software and Dot Requirements, this plots out to 6 Fixtures and Poles once again staggered on each side of the roadway. 6, 400Watt High Pressure Sodium fixtures on the inside PL rate, for this area will cost you $68.10 per month.
Minimum estimate for all roadways illuminated to NC DOT requirements $ 1566.30 Per Month.

Your actual cost would include a charge to install primary in a stretch of 280 that has none at this time. This will have to be determined by the zone engineer after the job is commissioned, but could tack on another $5,000.00 + for the additional wiring. This would be required before the start of the job.

This again, is the minimum number and locations of fixtures to satisfy the NC DOT requirements.

Stan G. Reynolds LC CEM
Southern Region Lighting

Stan G Reynolds

Town of Mills River

Expanded Explanation of Projected Services

Law Enforcement

The Town will contract with the present Henderson County Sheriff's Department to provide four (4) additional officers. These four (4) officers will primarily be responsible for the law enforcement inside the Town limits, with one (1) per shift. Already in place are 2 officers that are regularly assigned per shift to the Mills River area. The Town will pay for salaries, equipment and vehicle(s) for the four (4) "Town" officers. The Town officers will remain under the supervision of the Sheriff of Henderson County.

Fire Protection

The Town will contract with the present Mills River Fire and Rescue Department to provide fire, rescue and other related services in the Town limits. The Town's boundaries are inside the present Mills River Fire District.

Street Lighting

The Town will implement a Street Lighting program. This project is focused on US Hwy 280, a 5-lane highway and NC Hwy 191 which intersects with US Hwy 280. Lighting will be community-sensitive and installed per NC DOT standards and regulations.

Garbage Collection

The Town will contract for waste disposal services. The provider(s) will be responsible for:

Waste Collection and Disposal
Billing and Collections for participating customers
Voluntary recycling

It will not be mandatory for Town residents and businesses to take advantage of this service. Those who do not participate will not incur any costs associated with this service.

PROPOSED CHARTER OF THE TOWN OF MILLS RIVER

CHAPTER I.
INCORPORATION AND CORPORATE POWERS.

Section 1.1. Incorporation and Corporate Powers. The inhabitants of the Town of Mills River are a body corporate and politic under the name 'Town of Mills River'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

CHAPTER II.
CORPORATE BOUNDARIES.

Section 2.1. Town Boundaries. Until modified in accordance with the law, the boundaries of the Town of Mills River are as follows:

Beginning at a point at the Buncombe-Henderson County line on Pennsylvania Road (SR 1348) and traveling South to the Intersection with North Mills River Road (SR 1345). Turning Northwest on North Mills River Road (SR 1345) until the Intersection with Whitaker Lane (SR 1341). Turning South on Whitaker Lane (SR 1341) until the Intersection with South Mills River Road (SR 1338). Continuing South along Henderson County Land Records parcel lines known as:

0802005	along the Southern edge
9933871	along the Southern edge
0800935	along the Northern and Eastern edges
9900853	along the Eastern edge
0801109	along the Eastern edge
9965467	along the Southeastern edge
9935627	along the Southeastern edge
9935626	along the Southern edge

until reaching the Mills River Fire District line. Continuing West along the United States Forest Service property line and the Mills River Fire District Line across what is commonly known as "Forge Mountain" to the Transylvania County Line. Following the Transylvania County line South to the Mills River Fire District line and then along with the Mills River Fire District line Southeast to Ladson Road. Turning East on Ladson Road (SR 1314) until reaching the Intersection of Schoolhouse Road (SR 1426). Continuing East until the Intersection with Haywood Road (Hwy 191). Turning North on Haywood Road (Hwy 191) until reaching Hooper Lane (SR 1353). Turning East on Hooper Lane (SR 1353), including the property on the Southeast side of the road listed with the Henderson County Land Records as:

0803205	along the Eastern edge
9945652	along the Eastern and Northern edges

and rejoining Hooper Lane (SR 1353). Following Hooper Lane (SR 1353) until reaching Jeffress Road (SR 1345). Turning North along Jeffress Road (SR 1345) until its Intersection with Butler Bridge Road (SR 1352). Following Butler Bridge Road (SR 1352) Northeast until reaching the Mills River Fire District line. Following the Mills River Fire District line North and Northwest back to the Buncombe-Henderson County line on Pennsylvania Road (SR 1348)

CHAPTER III.
GOVERNING BODY.

Section 3.1. Structure of Governing Body; Number of Members. The governing body of the Town of Mills River is the Town Council, which has five members.

Section 3.2. Manner of Electing Council. The qualified voters of the entire Town shall elect the members of the Council. Two members are elected "at large" and three members are elected from electoral districts. The three electoral districts shall be established prior to the 2005[1] municipal elections.

Section 3.3. Term of Office of Council Members. Members of the Council are elected to four-year terms with the exception that in 2003[2] the two candidates receiving the highest number of votes will be elected to four-year terms and the next three candidates will be elected to two-year terms. In the 2003[3] election, the two candidates receiving the highest number of votes will fill the "at large" seats on the Town Council and the next 3 elected will fill the yet-to-be established electoral district seats. To be eligible for election to the Council a person must reside in the Town. For service on the Council as member for a district, a person must reside in that district. Districts lines will be drawn to provide equal representation and will be in compliance with all State and Federal laws.

Section 3.4. Vacancies. Notwithstanding G.S. 160A-63, persons appointed by the Town Council to fill vacancies on the Council serve the remainder of the unexpired term.

Section 3.5. Selection of Mayor; Term of Office. At the organizational meeting of the Council following each election, the Council shall elect one of its members to serve as Mayor. The mayor shall then be elected annually by the Council.

CHAPTER IV.
ELECTIONS.

Section 4.1. Conduct of Town Elections. Town elections shall be conducted on a nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292. Elections shall be conducted by the Henderson County Board of Elections in accordance with general law except as modified by this Charter.

Section 4.2. Interim Town Council. Until members of the Town Council are elected in 2003[4] in accordance with the Town Charter and the law of North Carolina, the following shall serve as members of the Interim Town Council:

Roger D. Snyder
Lois M. Pryor
Wayne S. Carland
James R. Cowan
Linda F. Brittain

CHAPTER V.
ADMINISTRATION.

Section 5.1. Council-Manager Plan. The Town of Mills River shall operate under the Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

Section 5.2. Interim Budget. The citizens and property in the Town of Mills River shall be subject to municipal taxes levied for the year beginning July 1, 2003[5], and for that purpose the Town shall obtain

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[1] Date to be determined based upon approval of this Charter by the General Assembly
[2] Ibid 1
[3] Ibid 1
[4] Ibid 1
[5] Ibid 1

from Henderson County a record of property in the area herein incorporated which was listed for taxes as of January 1, 2003[6]. The Town may adopt a budget ordinance for fiscal year 2003-2004[7] without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. If ad valorem taxes for the fiscal year 2003-2004[8] are adopted after August 1, 2003[9], they shall become due and payable at par 90 days after the adoption of the ordinance levying them and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 2003[10].

Section 5.3. Boards and Commissions. The Town Council may appoint such boards, commissions and committees, as it deems necessary or advisable in providing local governmental service to the Town. The Council will appoint five members to the Town Agricultural Advisory Board. The five appointed members shall be five members selected and nominated by bona fide farmers in the Town of Mills River

Section 5.4. Fire Protection. The Town of Mills River shall contract with Mills River Fire and Rescue for fire and rescue purposes.

Section 5.5 Police Protection. The Town of Mills River shall contract with the Henderson County Sheriff's Department to provide police protection within the Town by the Sheriff's Department.

Section 5.6 Solid Waste Removal. The Town of Mills River shall contract for solid waste removal on a user-fee basis.

Section 5.7. Street Lighting. The Town of Mills River shall begin a project of street lighting.

Section 5.8. Expenditures. The Mayor and Town Council shall monitor charter expenditures so as to insure they do not exceed total revenues. The Town of Mills River will have a balanced budget, meeting projected expenses, the State's required Reserve Fund, a Capital Reserve Fund to be used for capital projects and a Contingency Fund. The balance of the Contingency Fund must at all times be equal to or greater than the State Reserve Fund requirement.

CHAPTER VI
ORDINANCES AND REGULATIONS

Section 6.1. Ordinances. The Town of Mills River shall contract with the Henderson County Board of Commissioners and insure the following Henderson County Ordinances, as duly amended, modified, replaced or repealed by the Henderson County Board of Commissioners, will remain in effect in the Town and be administered by Henderson County at no additional fee to the Town:

1. *Abandoned/Junk Vehicles*
2. *Animal Control*
3. *Building Inspections pursuant to NCGS 160-360*
4. *Cable Television pursuant to HC Code 74-1*
5. *Emergency Management coordination of services and state of emergency proclamation*
6. *Emergency Medical Services pursuant to HC Code 87-2*
7. *Farmland Preservation*
8. *Manufactured Home Parks pursuant to HC Code 114-4*
9. *Mountain Ridge Protection*
10. *Noise pursuant to HC Code 125-3*
11. *Pawnbrokers pursuant to HC Code 134-3*

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[6] Ibid 1
[7] Ibid 1
[8] Ibid 1
[9] Ibid 1
[10] Ibid 1

12. *Public Safety Telephone*
13. *Sewer Use pursuant to HC Code 152-1*
14. *Solid Waste – Incinerator*
15. *Vested Rights*
16. *Water Policies pursuant to HC Code 192-37*

The Town of Mills River shall contract with the Henderson County Board of Commissioners and insure the following Henderson County Ordinances, as duly amended, modified, replaced or repealed by the Henderson County Board of Commissioners, will remain in effect in the Town and be administered by Henderson for a contractual fee to be paid to the County from the Town's budget:

1. *Election Services*
2. *Fire Prevention pursuant to HC Code 97-3*
3. *Property Addressing pursuant to HC Code 142-4*
4. *Solid Waste–Collection pursuant to HC Code* 165-9

The contract with Henderson County to insure that the foregoing ordinances numbered 1 – 16 and 1 – 4 remain in effect in the Town of Mills River shall be for an initial term of four (4) years. Any extensions of this term shall be negotiated by the governing body of the Town of Mills River and the then sitting Board of Commissioners for Henderson County upon such terms and conditions (including fees) as may be acceptable to Henderson County and the Town of Mills River. The Town Council may terminate coverage of any County ordinance by giving thirty (30) days written notice to the County as provided in G.S. 153A-122.

Section 6.2. Planning & Zoning. The Town of Mills River shall contract with the Henderson County Board of Commissioners to insure all current zoning designations, including 'open use' zoning, in effect at the date of incorporation, as amended, modified or replaced, shall be continued and enforced by Henderson County for a period of an initial term of two (2) years from date of incorporation. Any extensions or renewals of this contract shall be at the discretion of the then sitting Board of Commissioners for Henderson County and the governing body of the Town of Mills River. Henderson County shall continue to be authorized to modify or repeal zoning designations within the Town of Mills River as otherwise provided by law and as long as the Zoning Ordinance of Henderson County, North Carolina is applicable within the Town of Mills River.

Section 6.3. Covenants. This charter does not affect any restrictive covenants, restrictions, and regulations regarding structures or uses within subdivisions in existence before incorporation and the Town may not make lawful under any ordinance any structure or use forbidden under such covenants, restrictions, and regulations.

Section 6.4. Watershed Regulations. The Town of Mills River shall contract with the Henderson County Board of Commissioners to insure the Henderson County Watershed Water Supply Ordinance will continue to be administered by Henderson County and its Watershed Review Board. The Town will adopt a Watershed Protection Ordinance as required under G.S. 143-214.5 not to exceed the state requirements already met by the Henderson County ordinance. The contract with Henderson County shall be for a four (4) year period, or until such time as the Town has adopted its own Watershed Protection Ordinance, whichever is shorter. Notwithstanding the foregoing, in the event Henderson County combines its Watershed Water Supply Ordinance into the County's Zoning Ordinance, the contract provided for in this Section 6.4 shall terminate, and the application and administration of the County's watershed ordinance provisions within the Town shall be governed by Section 6.2.

Section 6.5. Farms Exempt. The Town may not regulate or restrict agricultural land uses. Agricultural land use includes "agricultural land" as defined in G.S. 105-277.2 and property used for "bona fide farm purposes" as defined in G.S. 153A-340(b)(2). This exemption does not limit regulation under this section with respect to the use of farm property for nonfarm uses.

CHAPTER VII
MISCELLANEOUS

Section 7.1. State Distributions. If the Town of Mills River is incorporated after June 30, 2003[11], the Town is nevertheless eligible to receive distributions of funds payable by the State of North Carolina for fiscal year 2003-2004[12], as if the Town of Mills River had been incorporated with an effective date of June 30, 2003[13].

Section 7.2. Savings Clause. If a court of competent jurisdiction declares any part of this Charter invalid, such judgment shall not invalidate the remainder of this Charter. All laws and ordinances not consistent with this Charter, insofar as they affect the Town of Mills River, are superseded by this Charter.

Section 7.3. Expenses. The entities sponsoring incorporation shall be entitled to recover from the Town expenses of sponsoring incorporation, provided the entities seeking recovery shall submit written request for reimbursement and shall be subject to annual audit. Funds shall be reimbursed after the first full fiscal year. Requests shall be submitted prior to the close of the second fiscal year. Expenses of Five Hundred Dollars ($500.00) and above shall be entitled to reimbursement.

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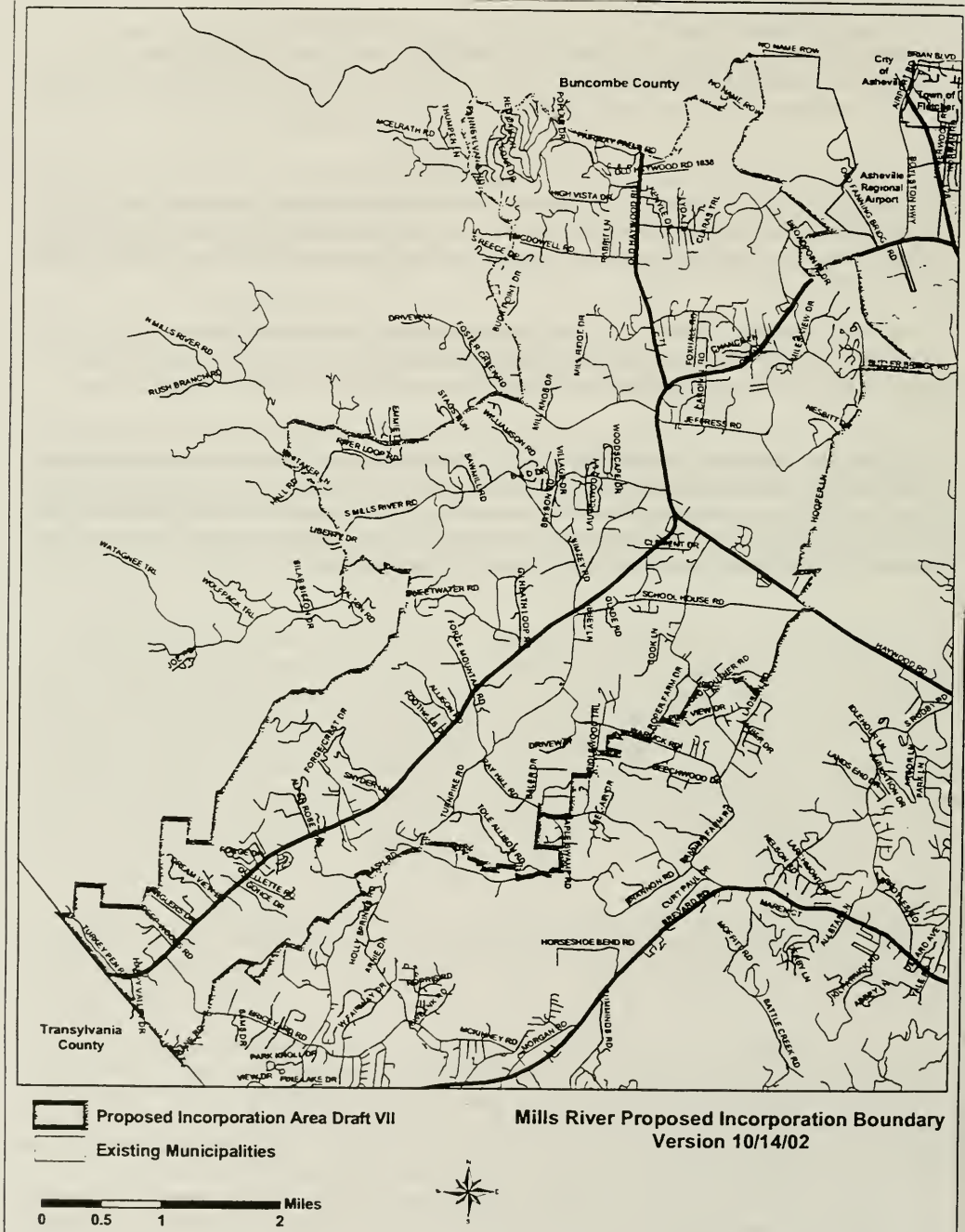
[11] Ibid 1
[12] Ibid 1
[13] Ibid 1


Buncombe County
Transylvania County
City of Asheville
Town of Fletcher
Asheville Regional Airport
Proposed Incorporation Area Draft VII
Existing Municipalities
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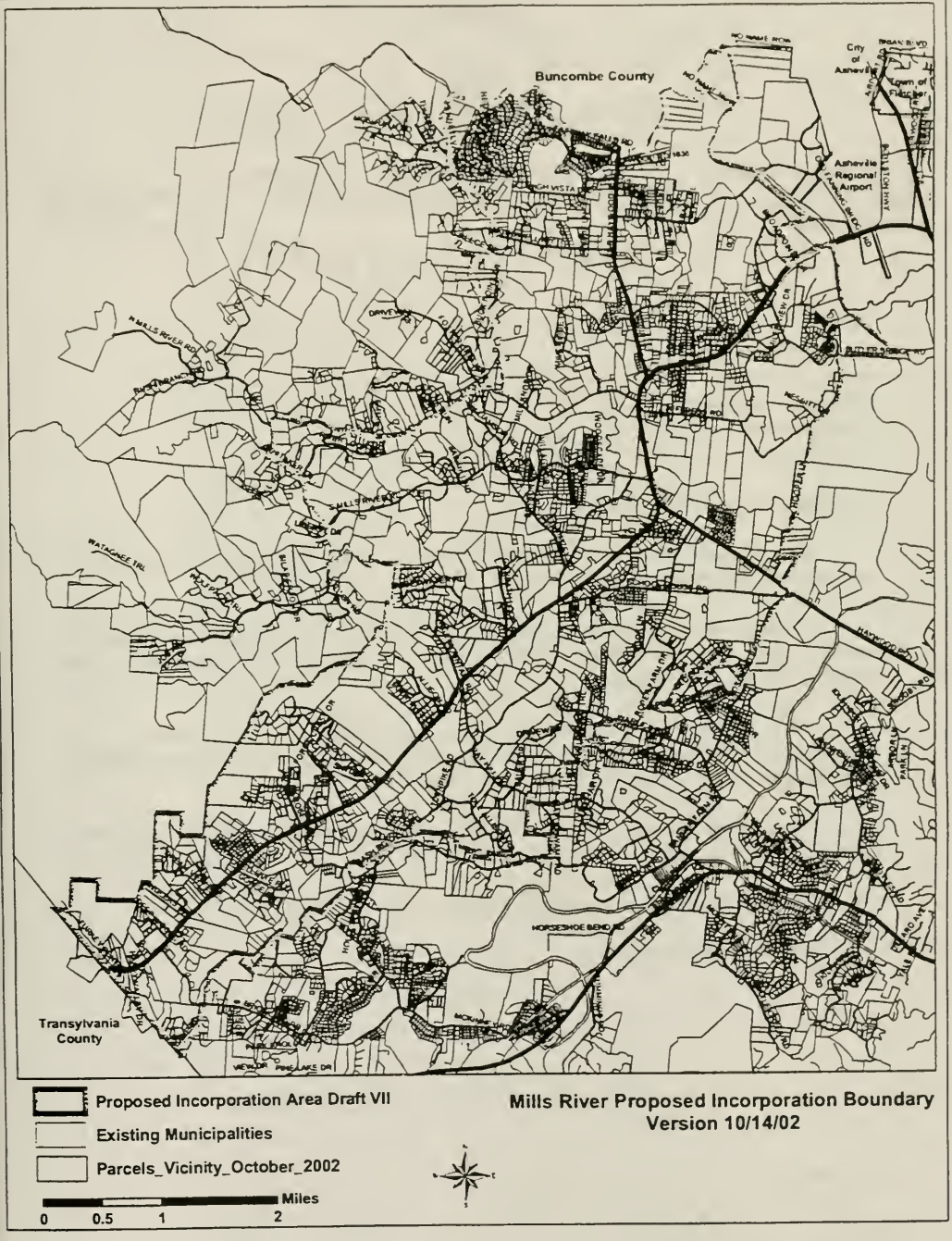
2
Mills River Proposed Incorporation Boundary
Version 10/14/02


Buncombe County
City of Asheville
Town of Fletcher
Asheville Regional Airport
Transylvania County
Proposed Incorporation Area Draft VII
Existing Municipalities
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Mills River Proposed Incorporation Boundary
Version 10/14/02

Beverly W. Cunningham, Director
Tom Wilson, Chairman
Barbara Israel, Secretary
Betty Gash, Member

Henderson County Board of Elections
120 South Grove Street
Hendersonville, North Carolina 28792

P.O. Box 2090
Hendersonville, NC 28793
(828) 697-4970
Fax (828) 697-4590

October 30, 2002

Ms. Carolyn Johnson
Mr. Roger Snyder
Mills River Incorporation Committee
Hendersonville
North Carolina

Dear Ms. Johnson and Mr. Snyder:

My office staff has worked diligently to provide you with accurate figures in regard to your petitions submitted earlier this month.

We have still not received an "official map" that depicts all the streets included within the area that intends to be incorporated. We realize a lot of the delays stem from the county recently changing to a 911 address system.

With the information we have been provided, we are estimating there have been approximately 1,748 registered voters within the area sign the petition and we are also estimating there are approximately 3,769 registered voters within this area.

As you are well aware, we are in the height of the 2002 General Election cycle and have put forward our best efforts to gather this information for you.

Looking forward to working with you in the future

With kind regards, I remain

Yours truly,

Beverly W. Cunningham

BEVERLY W. CUNNINGHAM

Approved by:

Tom Wilson

Tom Wilson, Henderson County Board Chairman

Asheville Citizen-Times
September 6, 2002

Mills River should be allowed to shape a future of its own

About a year ago, residents of Mills River began an effort to incorporate in an attempt to gain some control over the future of their pastoral Henderson County community. The inability to settle a boundary dispute with the town of Fletcher poses an obstacle, but it's one that should not be allowed to prevent the incorporation from taking place.

Mills River proposes incorporating a 22-square-mile area that would include 6,900 people, and would make it the second largest town in Henderson County. The proposed boundaries would extend to the Fletcher line on the east, blocking Fletcher's ability to grow in that direction and taking in a prime area for industrial development.

After months of negotiation over the disputed area, Fletcher Council members threw up their hands Tuesday. The council passed a resolution saying it had exhausted all the options for a boundary agreement and no longer wished to consider future options. Fletcher isn't in any hurry to annex the area. It's not even proposed in the town's 15-year master plan, according to Town Manager Craig Honeycutt, but Fletcher is already blocked from annexing into Buncombe County on its northern border by its town charter and this would further reduce its opportunities for growth.

"It's about having options," Honeycutt says. "By abutting our boundaries, Mills River has forced us to look at the N.C. 280 corridor much sooner than we ever wanted to."

The dispute creates a challenge for Mills River because before the General Assembly will consider a bill establishing the town, the proposal must go before the Joint Legislative Commission on Municipal Incorporation, which then makes a report to the General Assembly. Without a favorable report from the joint commission, which consists of two senators, two representatives, one town manager or council member and one county manager or commissioner, it could be difficult for local lawmakers to get the General Assembly to approve the new town, according to Rep. Larry Justus, R-Henderson.

The joint commission will require certain things of the town, including a petition signed by a percentage of the registered voters and a plan for providing municipal services. If the petition includes the signatures of 51 percent of the registered voters in the area to be incorporated, the General Assembly has the option of incorporating the town without a referendum. The Mills River Incorporation Committee already has the signatures of about 1,100 of the approximately 3,400 voters in the proposed town, according to Roger Snyder, chairman.

The incorporation committee can present its petition to the joint commission without resolving the boundary dispute. Because Fletcher's population was less than 5,000 in the 2000 census, Mills River doesn't need a resolution of approval to go right up to the town's boundary. For their part, 500 of the people who live in the disputed area signed a petition saying they want to be part of the proposed town of Mills River.

The Joint Commission could resolve the boundary dispute, Justus said, and that's something Fletcher seems ready to accept.

"We hope that during the Mills River incorporation process in the General Assembly that the Legislative Review Commission will draw a boundary that is equitable to both sides with input from all parties," Fletcher Councilman Jim Clayton said after Tuesday's decision. "We will fully support what the Commission comes up with as a boundary, regardless of where they put it and will move on from there."

Fletcher's concerns about having room to grow are understandable, but Mills River has its own concerns about growth. With Hendersonville and Asheville getting water from the Mills and French Broad rivers, part of the proposed town has some of the most stringent watershed rules in the state. Other areas are in the flood plain. The density of the proposed town is 320 people per square mile, which exceeds incorporation requirement of 250 per square mile, though its not really urban. But, according to Snyder, the community is being studied for a sewer extension, and the installation of sewer could mean explosive growth in areas that are suitable for development.

"We want to keep the character of Mills River," Snyder said. "...We want to control growth, but protect private property rights." He acknowledges those objectives could "run into each other."

For the time being, the town will adopt the open zoning designation it has under Henderson County's loose zoning ordinance, he says, but at some point, will have to deal with zoning and planning.

Mills River's leaders may find if their community becomes a town that they've traded conflict with their neighbor for conflict at home, but the community's residents want to control their own destiny and they should have that opportunity.

Cemetery Lots
Found
In Memoriam
Lost
Personals
Professional Services
Travel Opportunities
EMPLOYMENT
Job Opportunities
Part Time
Sales
FINANCIAL
Business Opportunities
Insurance
Loans & Savings
Mortgages
Wanted- Business Opportunities
PETS & LIVESTOCK
Feed, Seed & Plants
Livestock & Supplies
Pets & Supplies
Antiques
Appliances
Auctions
Baby Things
Bicycles
Boats & Equipment
Building Supplies
Collectibles
Computers
Farm Equipment
Firewood
Heating & Air
Jewelry
Lawn & Garc
Machinery &
Medical Supp
Miscellaneou
Musical Merc
Needlecraft Sewing
Photo Equipment
Restaurants Equip/Supplies
Stamps & Coins
Business Property
Commercial Property
Condominiums
Duplexes

Times-News
Online
www.hendersonvillenews.com

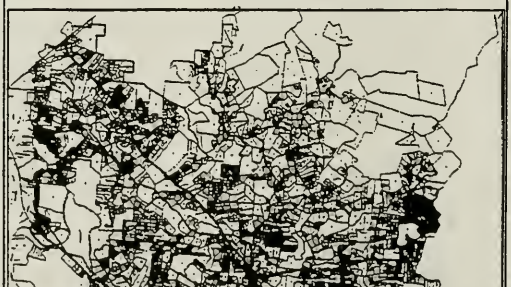
NOTICE OF INTENT TO SUBMIT PETITION TO INCORPORATE THE TOWN OF MILLS RIVER

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

This is to notify all persons, corporations and other entities having any interest that on the 28th day of October, 2002, in Raleigh, North Carolina the Incorporation Committee for the Town of Mills River will submit a petition for incorporation of the Town of Mills River, North Carolina to the Joint Legislative Commission on Municipal Incorporation pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes. The area to be included within the boundaries of Mills River is depicted on the attached map. Further information can be obtained at www.millsriver.org.

This the 14th day of October, 2002.

Roger Snyder
Mills River Incorporation Committee
P.O. Box 333
Horse Shoe, NC 28742



✓✓✓✓
CHECK IT OU
DAILY
READ THE
CLASSIFIED
✓✓✓✓

Asphalt Sealin
CAROLINA PAVIN
Sealing. Perma Sea
Henry Company. De
& Applicator 891-34

Child Care
Caring Mom want
care for your child
Extra large play
Kathy $85/wk.697-1

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call 691-1300

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R&V Exterior Clear
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ways & more. 685-9

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residential addition
remodel/new constr
tion 828-329-3930•

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Miller Grading & F
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vation work, Lot cl
ing, septic systems,
hauling, basements
roads. 891-7713

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Items. 654-7003

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er@ostrowcompany.co m; mail resume to P.O. Box 10550, Rock Hill, SC., fax resume to 803-324-4802 or apply in person at Blue Ridge Mall, Four Seasons Blvd.

schedule for emergency services Good pay / training. holidays / vacation, insurance / 401k Driver's license, drug screen. Apply in person ServiceMaster, 797 Locust St., Hendersonville

installation Excellent benef wages commer with experience. in person: Martin ing & Air, Inc., Berkeley Rd., H sonville. EOE

Hannah Flanagan's now hiring Servers, & Dishwasher. Apply in person 300 N Main.

Hendersonville Veterinary Hospital seeks part time Kennel Assistant. 9am-noon. Excellent organizational skills required. Fax resume / work history to 828-692-73662

HERITAGE HEALTH CENTER
Has The Following Openings:

LPN's

3pm-1pm Mon.- Fri.
11pm-7am- Mon.- Fri.
7am-7pm Sat. & Sun.

Contact:
Janice Bradley, DON
at 693-5849

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Manager, CVS Axle Engineering-NA

ARVINMERITOR, INC is a premier $7.0 billion global transportation industry supplier of a broad range of integrated systems, modules and components, serving light vehicle, commercial truck and trailer, and specialty original equipment manufacturers and related aftermarkets. Currently, we are seeking a dynamic Manager, Commercial Vehicle Systems (CVS) Axle Engineering-NA at our Fletcher, NC facility.

You will be responsible for handling complete value analysis programs, working with Operations, Procurement (suppliers) and others to continually improve the cost effectiveness of front steer and rear drive axle products for the commercial vehicle industry. You will be engaged in improving product reliability to meet the demanding expectations of customers for many years of product performance without maintenance expense. You will work closely with Procurement in securing and developing suppliers which will meet the technical needs of the product and our organization. In addition, you will lend assistance (to our Global Applications and North American Customer Support group) and at times take the lead in meeting the technical demands of our customers.

At least 10 years of project engineering and/or product/research development experience from a technical perspective is required, as well as at least 5 years experience in managing technical resources. A Bachelor's degree in Engineering is necessary, and a Master's degree is preferred. Excellent problem solving skills with a record of resolving complex mechanical systems issues is required, along with strong interpersonal, project management and communication skills. An understanding of dynamic simulation and FEA analysis is also necessary. International experience would be a plus.

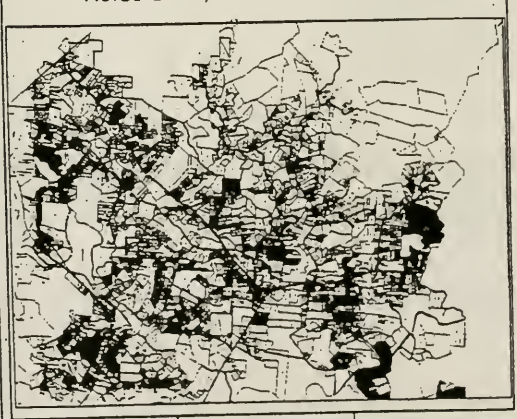
NOTICE OF INTENT TO SUBMIT PETITION TO INCORPORATE THE TOWN OF MILLS RIVER

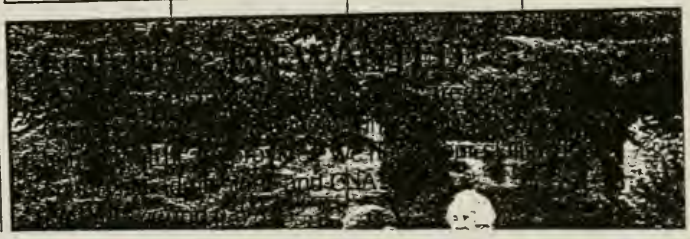
STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

This is to notify all persons, corporations and other entities having any interest that on the 28th day of October, 2002, in Raleigh, North Carolina the Incorporation Committee for the Town of Mills River will submit a petition for incorporation of the Town of Mills River, North Carolina to the Joint Legislative Commission on Municipal Incorporation pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes. The area to be included within the boundaries of Mills River is depicted on the attached map. Further information can be obtained at www.millsriver.org.

This the 14th day of October, 2002.

Roger Snyder
Mills River Incorporation Committee
P.O. Box 333
Horse Shoe, NC 28742





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MILLS RIVER

P. O. Box 333
Horse Shoe, NC 28
www.millsriver.org

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

NOTICE OF INTENT TO SUBMIT PETITION TO INCORPORATE THE TOWN OF MILLS RIVER

TO: The City of Biltmore Forest, North Carolina

This is to notify you that on the 28th day of October, 2002, in Raleigh, North Carolina the Incorporation Committee for the Town of Mills River will submit a petition for incorporation of the Town of Mills River, North Carolina to the Joint Legislative Commission on Municipal Incorporation pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes. The area to be included within the boundaries of Mills River is depicted on the attached map.

This the 8th day of January, 2003.

Roger D. Snyder

Roger Snyder
Mills River Incorporation Committee
P. O. Box 333
Horse Shoe, NC 28742

MILLS RIVER

P. O. Box 333
Horse Shoe, NC 28742
www.millsriver.org

State of North Carolina
County of Henderson

NOTICE OF INTENT TO SUBMIT PETITION TO INCORPORATE THE TOWN OF MILLS RIVER

TO: (see addressees below)

This is to notify you that on the 28th day of October, 2002, in Raleigh, North Carolina the Incorporation Committee for the Town of Mills River will submit a petition for incorporation of the Town of Mills River, North Carolina to the Joint Legislative Commission on Municipal Incorporation pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes. The area to be included within the boundaries of Mills River is depicted on the attached map.

This is the 22nd day of October, 2002.

Roger Snyder
Mills River Incorporation Committee
P. O. Box 333
Horse Shoe, NC 28742

On Monday, October 21, 2002 at the Hendersonville Postal Facility, located at 5th Avenue West, Hendersonville, North Carolina, I mailed the above notice to the addressees listed below. The separate notices were mailed "Certified Mail - Receipt Requested."

Addressees
-Henderson County Board of Commissioners 100 North King Street Hendersonville, NC 28792
-City of Asheville PO Box 7148 Asheville, NC 28802
-Village of Flat Rock PO Box 1288 Flat Rock, NC 28731
-Town of Fletcher PO Drawer 369 Fletcher, NC 28732
-City of Hendersonville PO Box 1670 Hendersonville, NC 28793-1670
-Town of Laurel Park PO Box 2529 Hendersonville, NC 28793
-Town of Saluda Main Street Saluda, NC 28773
-Buncombe County Board of Commissioners 205 College Street Suite 300 Asheville, NC 28801
-Transylvania County Board of Commissioners 28 East Main Street Brevard, NC 28712

Roger D. Snyder, Chairman

7002 0510 0001 1489 9308

Saluda, NC 28773

OCT 21 2002

TOWN OF SALUDA
MAIN STREET
SALUDA, NC 28773

7002 0510 0001 1489 9292

Asheville, NC 28801

OCT 21 2002

BUNCOMBE COUNTY BOARD OF COMMISSIONERS
205 COLLEGE STREET SUITE 300
ASHEVILLE, NC 28801

7002 0510 0001 1489 9285

Brevard, NC 28712

1.75

$4.40

TRANSYLVANIA CO BOARD OF COMM
28 EAST MAIN STREET
BREVARD NC 2871

7002 0510 0001 1489 9339

Laurel Park, NC 28739

OCT 21 2002

TOWN OF LAUREL PARK
P O Box 2529
HENDERSONVILLE NC 28793

7002 0510 0001 1489 9322

Flat Rock, NC 28731

OCT 21 2002

VILLAGE OF FLAT ROCK
P.O. Box 1288
FLAT ROCK, NC 28731

7002 0510 0001 1489 9315

Hendersonville, N

37

2.31

1.75

$4.40

HENDERSON COUNTY BOARD OF CO
100 NORTH KING STREE
HENDERSONVILLE, NC 2

7002 0510 0001 1489 9605

Fletcher, NC 28732

OCT 21 2002

TOWN OF FLETCHER
P O Box 369
FLETCHER, NC 28732

7002 0510 0001 1489 9353

Hendersonville, NC 28793

37

2.31

1.75

$4.40

OCT 21 2002

CITY OF HENDERSONVILLE
P.O Box 1670
HENDERSONVILLE, NC 28793-1670

7002 0510 0001 1489 9346

Asheville, NC 28

37

2.31

1.75

CITY OF ASHEVILLE
P.O. Box 7148
ASHEVILLE NC 28

07142 .

TOTAL	39.78
CASH I	40.00
CHANGE	.22

**** U.S. POSTAL SERVICE ****
HENDERSONVILLE 28739-9998
36.512 59.00
R. MAIL W 87
10-21-02 09:42:15

CUSTOMER RECEIPT

100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
100 POST VAL IMP	4.42
TOTAL	39.78
CASH I	40.00
CHANGE	.22

*** THANK YOU ***

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

City of Asheville
P.O. Box 7148
Asheville, NC
28802

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature] ☐ Agent ☐ Addressee

B Received by (Printed Name) C Date of Delivery

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3 Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee) ☐ Yes

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9346

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-0835

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Town of Laurel Park
P.O. Box 2529
Hendersonville, NC
28793

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature]

B Received by (Printed Name) C Date of Delivery

D Is delivery address different from item 1?
If YES, enter delivery address below

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee)

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9339

PS Form 3811, August 2001 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Henderson County Board of Commissioners
100 North King Street
Hendersonville, NC
28792

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature] ☐ Agent ☐ Addressee

B Received by (Printed Name) C Date of Delivery
Avalina B. Murrill 10-22-02

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee) ☐ Yes

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9315

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-0835

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Town of Fletcher
P.O Box 369
Fletcher, NC
28732

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature]

B Received by (Printed Name) C Da
Cynthia J. Broome

D Is delivery address different from item 1?
If YES, enter delivery address below

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee)

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9605

PS Form 3811, August 2001 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Town of Saluda
Main Street
Saluda, NC
28773

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature] ☐ Agent ☐ Addressee

B Received by (Printed Name) C Date of Delivery

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee) ☐ Yes

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9308

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-0835

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Buncombe County Board of Commissioners
205 College Street Suite 300
Asheville, NC
28801

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature]

B Received by (Printed Name) C Da
10-

D Is delivery address different from item 1?
If YES, enter delivery address below

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee)

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9292

PS Form 3811, August 2001 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Village of Flat Rock
P.O. Box 1288
Flat Rock, NC
28731

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature] ☐ Agent ☐ Addressee

B Received by (Printed Name) C Date of Delivery
10/25/02

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee) ☐ Yes

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9322

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-0835

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

Transylvania Co Board of Commissioners
28 East Main Street
Brevard, NC
28712

COMPLETE THIS SECTION ON DELIVERY

A Signature
X [signature]

B Received by (Printed Name) C Da

D Is delivery address different from item 1?
If YES, enter delivery address below

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? (Extra Fee)

2 Article Number (Transfer from service label) 7002 0510 0001 1489 9285

PS Form 3811, August 2001 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1 Article Addressed to

City of Hendersonville
P.O. Box 1670

COMPLETE THIS SECTION ON DELIVERY

A Signature
X ☐ Agent ☐ Addressee

B Received by (Printed Name) C Date of Delivery
10-23-02

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

MILLS RIVER

P. O. Box 333
Horse Shoe, NC 287
www.millsriver.org

To Whom It May Concern

October 23, 2002

Re: City of Asheville

On two separate occasions, members of the Mills River Interim Town Council met with various officials from the City of Asheville. Topic of discussion was the possible "Incorporation of Mills River." Asheville officials seem un-concerned with our effort and on both occasions indicated that Asheville City Council might discuss it in late Fall of 2002 or early Spring of 2003.

Meetings

	Asheville	Mills River
April 22, 2002	Charles Worley, Mayor Jim Westbrook Scott Shuford Bob Oast	Roger Snyder Elana Carland Jimmy Coward
July 2, 2002	Jim Westbrook Scott Suford Bob Oast	Roger Snyder Elana Carland Wayne Carland

Roger D. Snyder

Incorporation Meetings with other Local Governments

Date	Type	Host	Attendees
February 25, 2002	Information Meeting	Rep. Larry Justus/Republic Headquarters Steering Committee	
April 4, 2002	Information Meeting	Artie Wilson, Tran County Manager	Roger Snyder
April 4, 2002	Information Meeting	Bill Moyer/Marilyn Gordon	BB / EC / RS
April 22, 2002	Information Meeting	City of Asheville	RS / JC / EC
May 17, 2002	Information Meeting	Craig Hunnicutt	Pick up "Concern Map"
June 4, 2002	Information Meeting	Craig Hunnicutt	RS/EC/BB BM/HC/CH
June 10, 2002	Information Meeting	Craig Hunnicutt	RS/EC/BB BM/HC/CH
June 18, 2002	Information Meeting	Carl Shaw/Hanson and Johnson CPA	Roger Snyder
June 21, 2002	Information Meeting	Tom Burnet / Clean Water Fund	Incorporation Committee
July 2, 2002	Information Meeting	City of Asheville	RS/EC/WC
July 9, 2002	Information Meeting	City of Hendersonville	Roger Snyder
July 8, 2002	Henderson County	Don Ward - County Commissioners	RS/EC/Benny Pryor
July 11, 2002	Information Meeting	Community Building	Incorporation Committee
July 16, 2002	Meeting/Fletcher	William Moyer	RS/Moyer/Moore/Jim (?)
July 16,2002	LGCCA Meeting	Henderson County	RS/EC/JC
July 30, 2002	Meeting/Fletcher	Fletcher Town Council	RS/WC/EC/Moore/Clark/Hunnicut
August 26, 2002	Fletcher-Mills River	Fletcher Town Hall	RS/LB/EC/JC - Fletcher Town Council
September 5, 2002	Information Meeting	Brevard - Rick Howell	Roger Snyder / Rick Howell
September 5, 2002	Information Meeting	Transylvania County	Roger Snyder / Artie Wilson
September 17, 2002	Information Meeting	LGCCA	Roger Snyder
September 19, 2002	Information Meeting	Hen Co Sheriff's Office	Roger Snyder / George Erwin
September 19, 2002	Information Meeting	NC Highway Patrol	Roger Snyder / 1st Sgt Dunn
September 26, 2002	Information Meeting	Community Building / D C A	AL/RS/EC/BP/JC/CJ
September 27, 2002	Information Meeting	Henderson County Sheriff's Dept	Sheriff Erwin/Roger Snyder
October 3, 2002	Information Meeting	Advantage West / NC DOT	RS / County and Town Leaders
October 7, 2002	Information Meeting	Henderson County Commissioners	Council/Committee/MR Public
October 8, 2002	Boundary Dispute Meeting	Fletcher and Huddle House	RS / JC / B. Moore / H. Clark
October 16, 2002	Hen County Commissioners Meeting	County Building	Roger Snyder
October 20, 2002	State Application Committee	Community Building	RS/Ellen C./CJ/Pat Elliott
October 23, 2002	Information Meeting	Asheville Airport	Mike Armour/ Susan Phillips / RS / EC
October 23, 2002	NC Division of Community Asst	NC DCA Office	Woody Harleson / Alan Lang / RS

PAST POLLS
How will the World Series turn out?
Do you participate in river sports?
Have you driven the entire length of the Blue Ridge Parkway?
Where is the best place to meet people in Asheville?
Who is going to win the World Series?
Are media reports hindering the hunt for the D.C. area sniper?
Do you think students should be allowed to have an attorney present during a school disciplinary hearing that could result in long-term suspensions?
Which two teams would you like to see in the World Series?

more past polls

ASHEVILLE CITIZEN-TIMES POLL

Do you think the community of Mills River should be allowed to incorporate?

Yes	84.91 %	
(197 responses)		
No	15.09 %	
(35 responses)		

Total votes: 232

Note: *The Citizen-Times online poll is not a scientifically valid poll and should not be construed or used as such.*

Asheville Citizen-Times
September 2, 2002

©2001 ASHEVILLE CITIZEN-TIMES
14 O.HENRY AVE., ASHEVILLE, NC 28801, PHONE: 828-252-5611
USE OF THIS SITE SIGNIFIES YOUR AGREEMENT TO THE TERMS OF SERVICE

THE ASHEVILLE CITIZEN-TIMES IS A GANNETT NEWSPAPER ALONG WITH USA TODAY.

Assessment of Petition
by
Town of Mills River
for
Incorporation

Relative to NC G.S. 120-163 and NC G.S. 120-164

North Carolina Department of Commerce
Division of Community Assistance

Division of Community Assistance staff has reviewed the petition for incorporation from the proposed Town of Mills River as it relates to NC G.S. 120-163 and NC G.S. 120-164. These sections of the General Statutes refer to the petition and notification requirements.

G.S. 120-163 (a) requires that a petition be signed by 15% of the registered voters (but by not less than 25 voters) of the area asking for incorporation. The proposed Town of Mills River has submitted a petition with the required signatures.

G.S. 120-163 (b) requires that "[t]he petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt." G.S. 120-163 (d) requires that the petitioners must present to the Commission the verified petition from the county board of elections. The Henderson County Board of Elections has verified the Town of Mills River petition.

G.S. 120-163 (c) requires that the petition must include a number of items. These are:

- A proposed name for the city. The petition of the Town of Mills River does include a proposed name.
- A map of the city. The petition of the Town of Mills River does include a map.
- A list of proposed services to be provided by the proposed municipality. The petition of the Town of Mills River does include a list of proposed services.
- The names of three persons to serve as interim governing board. The petition of the Town of Mills River does include the names of three persons to serve as an interim council.
- A proposed charter. The petition of the Town of Mills River does include a proposed charter.
- A statement of the estimated population and population density. The petition of the Town of Mills River does include a statement of the estimated population and population density.
- Assessed valuation. The petition of the Town of Mills River does include an estimate of assessed valuation.
- Degree of development. The petition of the Town of Mills River does include degree of development.
- Recommendations as to form of government and manner of election. The petition of the Town of Mills River does include recommendations as to form of government and manner of election.

According to G.S. 120-163, the proposed municipality may not contain any non-contiguous areas. According to an examination of the map presented with the petition, the proposed Town of Mills River does not contain any non-contiguous areas.

According to G.S. 120-164, not later than five days before submitting the petition to the Commission, the petitioners shall notify:

(1) The board or boards of county commissioners of the county or counties where the proposed municipality is located.
(2) All cities within that county or counties.
(3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

The petition did include copies of the notification letters to Henderson County, all municipalities within Henderson County, and all municipalities within five (5) miles of the proposed municipality. Therefore, all required notification letters were sent.

According to G.S. 120-164, '[t]he petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission."

The notice was published in the the Hendersonville Time News. Copies of publication for October 15, 2002 and October 20, 2002 were included in the petition.

Assessment of Petition
by
Town of Mills River
for
Incorporation

Relative to NC G.S. 120-166.

North Carolina Department of Commerce
Division of Community Assistance

Division of Community Assistance staff has reviewed the petition for incorporation from Mills River as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Mills River' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,999
5 miles	50,000 and over

The Town of Fletcher (population 4,185) and the City of Asheville (population 68,889) are within one (1) mile of the proposed boundaries of Mills River, the City of Asheville does exceed the neighboring municipal population threshold. There are no additional municipalities within three (3) miles of the proposed municipality. The City of Hendersonville (population 10,42) and the Town of Laurel Park (population 2,017) are within four (4) miles of the proposed boundaries of Mills River, but neither municipality exceeds the neighboring municipal population threshold. The Town of Biltmore Forest (population 1,440) and the City of Brevard (population 6,789) are within five (5) miles of the proposed municipality, but neither municipality exceeds the neighboring municipal population threshold..

The proposed new Town of Mills River is not entirely on an island so Subsection (b)(1) does not apply. Mills River is not separated by a major river or natural feature from nearby municipalities, so Subsection (b)(2) does not apply. Finally, the petition indicated no evidence that Subsection (b)(4) applies (a petition for annexation to nearby city that was not approved).

The Commission is precluded from making a positive recommendation on the petition for incorporation relative to the proposed Town of Mills River, in accordance with NC G.S. 120-166.(a), unless the City of Asheville expresses approval of the incorporation by resolution.

Information sources: The foregoing assessment was based on information contained in the petition, and GIS data provided by the Henderson County GIS Department. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 2000 Census population values were retrieved from the NC Office of State Budget and Management, State Demographics web site (http://demog.state.nc.us/).

Note: 1

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

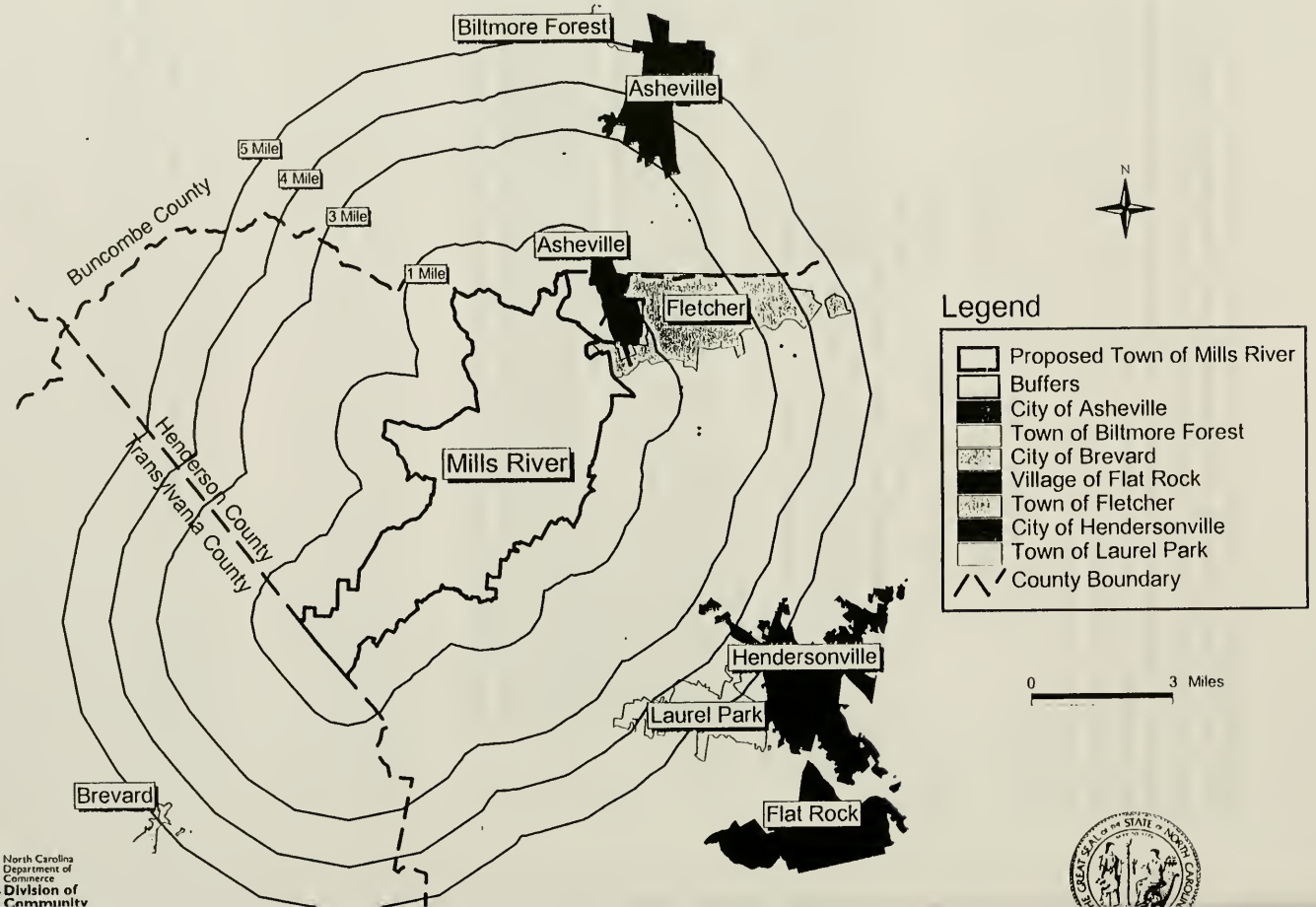
(1) The proposed municipality is entirely on an island that the nearby city is not on;

(2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

(3) The nearby municipality by resolution expresses its approval of the incorporation; or

(4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.(1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

Proposed Town of Mills River (Henderson County)
Municipal Incorporation Study Phase 1



North Carolina Department of Commerce
Division of Community

RESOLUTION NO. 03-31

RESOLUTION REGARDING PROPOSED INCORPORATION OF TOWN OF MILLS RIVER

WHEREAS, pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes, a petition has been submitted to the Joint Legislative Commission on Municipal Incorporation (herein "Commission") for the incorporation of the town of Mills River in Henderson County; and

WHEREAS, the proposed town of Mills River is within five miles of the City of Asheville, which has a population of over 50,000, and therefore qualifies for notification of the proposed incorporation pursuant to N.C.G.S. 120-164(c)(3), and qualifies to express its approval of the proposed incorporation pursuant to N.C.G.S. 120-166(b)(3); and

WHEREAS, the Commission has determined that the petition submitted by Mills River satisfies the initial criteria for submission, set out in N.C.G.S. 120-163 and 120-164, and has directed that the petition be evaluated as to additional statutory criteria, and has requested that the City of Asheville, as a qualifying municipality, express its position as to approval of the proposed incorporation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approves the effort of the Community of Mills River to obtain a greater degree of governance and control over its future through incorporation, but expresses the following concerns:

   a. That the size of the area proposed for incorporation will present practical difficulties in delivering urban services;

   c. That the proposed incorporation may limit the land available in the area for business development.

2 The City Attorney is directed to transmit a certified copy of this resolution to the Commission.

Read, approved and adopted this 25th day of February, 2003.

Magdalen Burleson
City Clerk

Charles R. Worley
Mayor

Approved as to form:

City Attorney

Assessment of Petition
by
Town of Mills River
(Henderson County)
for
Incorporation

Relative to NC G.S. 120-167
through NC G.S. 120-170

North Carolina Department of Commerce
Division of Community Assistance

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Mills River relative to NC G.S. 120-167 through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167 Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100 and a population density (permanent and seasonal) of at least 250 persons per square mile. The Henderson County Board of Elections determined there are 3,769 registered voters living in the proposed Town of Mills River, exceeding the required minimum permanent population. The Division of Community Assistance performed a land use survey of the subject area, identifying 2,400 dwelling units. The 2000 US Census Bureau data indicates an average of 2.33 persons per household for Henderson County and an occupancy rate of 93.36 percent. This suggests that 5,221 persons are likely to reside in those 2,400 dwelling units with a population density of 261 persons per square mile. It appears that NC G.S. 120-167 is satisfied.

NC G.S. 120-168 Additional criteria; development.

NC G.S. 120-168 refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants."(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

DCA used a land use survey combined with an analysis of available tax information to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or agricultural parcels were considered "undeveloped."

DCA's analysis indicated that 26.19 percent of the subject area is developed (see Table 1 and Map A). It appears that NC G.S. 120-168 is not satisfied.

Table 1:
Development Relative to NC G.S. 120-168

Land Use	Acres
Commercial	366.07
Industrial	215.88
Institutional/Governmental	430.04
Residential	2,455.52
Undeveloped	9,774.53
Total	13,242.04
Total Developed Acreage	3,467.51
% Developed	**26.19%**

NC G.S. 120-169 Additional criteria; area unincorporated.

NC G.S. 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Mills River with the most recently updated Henderson County (GIS) data as well as the North Carolina Department of Transportation (GIS) data and found no evidence that any of the subject area is part of an incorporated municipality. It appears that NC G.S. 120-169 is satisfied.

NC G.S. 120-169.1 Additional criteria; services.

NC G.S. 120-169.1(b) requires that the area to be incorporated submit a plan for providing a reasonable level of municipal services. To meet the requirements of this section, the persons submitting the plan for incorporation must propose to provide at least four of the following services:

1) Police protection.
2) Fire protection.
3) Solid waste collection or disposal.
4) Water distribution.
5) Street maintenance.
6) Street construction or right-of-way acquisition.
7) Street lighting.
8) Zoning.

The proposed Town of Mills River has submitted a sufficient plan for providing four out of eight of the above services. Mills River will provide fire protection, police protection, street lighting, and solid waste collection. Fire protection will be provided through agreements with the Mills River Volunteer Fire & Rescue Department. Police protection will be provided through an agreement with the Henderson County Sheriff's Department. Solid waste collection will be contracted with a solid waste collection service. Street lighting will be contracted with Duke Power. It appears that NC G.S. 120-169.1(b) is satisfied.

NC G.S. 120-170 Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. Mills River has proposed a $.075/$100 property tax rate with an estimated property tax revenue of $258,700. As a result of the types of services the Town of Mills River plans to provide and the manner in which those services would be provided, the proposed $.075/$100 property tax rate appears to be reasonable.

There is insufficient data available on newly incorporated municipalities to accurately compare their tax rate with the tax rate proposed by Mills River. However, to give some indication of a comparison of Mills River' tax rate and that assessed by other similar municipalities, DCA compared Mills River with the North Carolina Department

of Treasurer 2002 Municipal Financial Profiles for municipal populations between 2,500 persons and 9,999 persons. Mills River has proposed a $.075/$100 property tax rate with an estimated property tax revenue of $258,700. In comparison, the North Carolina Department of Treasurer indicates in its report an average property tax rate of $.331/$100 assessment and average property tax revenue of $1,327,935. For the proposed Town of Mills River to generate similar revenues it would need to levy a property tax rate of $.38/$100 assessment (assuming a total assessment of $344,958,200. As stated above, Mills River can provide the four proposed services at a reasonable tax rate, but would not likely be able to provide additional services without a significant property tax rate increase. It appears that NC G.S. 120-170 is satisfied.

Conclusion

It appears that the proposed Town of Mills River does not satisfy North Carolina General Statute 120-168, but does satisfy General Statutes 120-167, 120-169, 120-169.1(b) and 120-170. The Commission is precluded from making a positive recommendation on the incorporation of the proposed Town of Mills River as it relates to General Statue 120-168.

Information sources:

Petition for Incorporation of the Town of Mills River
2000 US Census (referenced 05/03)
http://www.census.gov/
Henderson County GIS Department, Parcel Data and Assessment Data
North Carolina Office of State Treasurer (referenced 05/03)
http://www.treasurer.state.nc.us
NC DOT GIS Data Layers, Distributed by NC CGIA (2002)

Proposed Town of Mills River Municipal Incorporation Phase II Study

Map A